

STATE OF ALABAMA)

SHELBY COUNTY)

PARTIAL RELEASE

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of Ten Dollars (\$10.00) and other valuable consideration to the undersigned, **AmSouth Bank** (the "Bank"), the Bank does hereby release and discharge from the lien and operation of that certain Mortgage, Security Agreement and Assignment of Rents and Leases executed in favor of it by **Pelham Parkway, L.L.C.**, dated as of August 25, 1998 and recorded in the Probate Office of Shelby County, Alabama, as Instrument No. 1998-33814, as amended by First Amendment thereto recorded in said Probate Office as Instrument No. 1999-10981 (the "Mortgage"), the following described lot or parcel of land to wit:

Lot 3, according to the survey of Lots 3 & 4 Pelham Parkway Commercial Subdivision, as recorded in Map Book 27, Page 86, in the Probate Office of Shelby County, Alabama, being situated in Shelby County, Alabama; provided, however, that the Bank retains its lien on that certain 24' ingress/egress easement located on the eastern side of said Lot 3, as shown on the plat recorded in Map Book 27, Page 86, in the Probate Office of Shelby County, Alabama, which easement (more particularly described on Exhibit A attached hereto) was reserved in that certain Warranty Deed dated October 27, 2000, executed by Pelham Parkway, L.L.C., and recorded as Instrument No. 2000-37362, in the Probate Office of Shelby County, Alabama.

The Bank acknowledges that in the event it forecloses on the Mortgage, said foreclosure will not extinguish the 24' ingress/egress easement referenced above, nor will said foreclosure affect fee simple title to Lot 3 referenced above.

It is understood that the execution of this Partial Release shall in no way operate to release or impair the lien or security of the Mortgage upon the property remaining subject thereto.

Inst # 2000-38392

11/06/2000-38392
09:16 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE

003 MMB 17.00

IN WITNESS, AmSouth Bank, the undersigned, has caused this Partial Release to be executed as of this 30 day of October, 2000, by its duly authorized officer.

AMSOUTH BANK

By Lawrence Clark
Its Vice President

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Lawrence Clark, whose name as Vice President of AmSouth Bank, a state banking corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of said Partial Release, he, as such officer and with full authority, executed the same voluntarily for and as the act of said banking corporation.

Given under my hand and official seal this the 27 day of October, 2000.

William S. Smith
Notary Public

AFFIX SEAL

My commission expires: MY COMMISSION EXPIRES OCTOBER 27, 2002

This instrument prepared by:

Dawn Helms Sharff, Esq.
Walston, Wells, Anderson & Bains, LLP
505 20th Street North, Suite 500
Birmingham, AL 35203
205-251-9600

Exhibit A

[Access Easement]

A legal description of the outside of a 24' Ingress/Egress Easement, located on Lot 3 of Pelham Parkway Commercial Subdivision, located in the NW 1/4 of the SW 1/4 of Section 24, Township 20 South, Range 3 West, Shelby County, Alabama, and being more particularly described as follows:

LEGAL DESCRIPTION

Commence at the NW Corner of above said 1/4-1/4 Section; thence N89°50'27"E, a distance of 191.81'; thence S02°25'47"E, a distance of 331.34'; thence S02°22'44"E, a distance of 743.73'; thence N89°44'13"E, a distance of 187.68' to the POINT OF BEGINNING; said point also being the beginning of a curve to the left, having a radius of 2111.61, a central angle of 4°44'53", and subtended by a chord which bears S1°53'26"E, and a chord distance of 174.94; thence along the arc of said curve a distance of 174.99; thence N89°44'27"E, a distance of 24.06' to a point, said point being the beginning of a non tangent curve to the right, having a radius of 2087.61, a central angle of 00°49'05", and subtended by a chord which bears N3°54'7"W, and a chord distance of 29.81, thence along the arc of said curve a distance of 29.81'; thence N86°30'26"E, a distance of 21.00' to a point, said point being the beginning of a non tangent curve to the right, having a radius of 2066.61, a central angle of 00°39'55", and subtended by a chord which bears N3°9'37"W, and a chord distance of 24.00; thence continue along the arc of said curve a distance of 24.00'; thence S86°30'26"W, a distance of 21.00' to a point, said point being the beginning of a non tangent curve to the right, having a radius of 2087.61, a central angle of 03°19'34", and subtended by a chord which bears N1°10'16"W, and a chord distance of 121.17'; thence along the arc of said curve a distance of 121.19'; thence S89°44'13"W, a distance of 24.00' to the POINT OF BEGINNING.

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